

1888

The Suppression of Polygamy

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During the latter part of the first decade of the present century a middle aged man, Spaulding by name, a graduate of Dartmouth-College removed with his family from New York to the State of Ohio. At one period of his life he appears to have been actively engaged as a minister of the Gospel, but probably finding this calling unsuited to his nature he laid it aside and went into business resulting in his insolvency and ultimate removal from the State. New Salem and its immediate vicinity, the part of Ohio to which he found his way, was at that time, and still is, rich in antiquities consisting of mounds, fortifications, tombs and many other relics of a past race.

In this Spaulding as a matter

of course, being a man of considerable learning, and with a rich and varied imagination took a deep and lively interest: After varied readings of the opinions of different authors, and more or less researches in the incredible vicinity of his new home, he readily adopted the idea of many writers of more or less note, that America in the most distant early ages had been discovered and settled by the Israelites; and at once the curious idea occurred to his fertile brain of writing a fictitious history of this ancient race, influenced undoubtedly both by his literary taste and also the pecuniary advantage which he hoped to derive from the sale of his books.

after three years of labor he produced what he called "Manuscript Found" purporting to be his translation of an ancient manuscript which he had

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accidentally discovered

Subsequently, finding to make
unlucrative terms with his printer, the
manuscript in time fell into the hands
of one, Joseph Smith Jr., a resident of
Palmyra N.Y. who accordingly conceived
the idea of establishing a new religion,
principally as further development
would seem to indicate for his own
social benefit as well as mercenary
gain. Soon after making this resolution
we hear of Smith in the North part
of New York as a young man who having
unearthed an iron box containing
several plates of metal covered with a
peculiar kind of inscription, was
enabled by the aid of an unusually
large pair of spectacles, found in
the same box, to translate such
inscriptions which he claimed
to be a revelation from the Almighty

This was the origin of the sect now known to the world as the Mormons.

Smith carried rapidly along on the flood of popular superstition and ignorance soon finds himself at the head of a somewhat powerful and extensive church.

But, owing no doubt to the state of society, composed as it was of the unromantic inhabitants of New York, it soon becomes apparent that this locality is unsuitable to the steady growth of the new order of things which Smith is endeavouring to precipitate upon the people, so placing himself at the head of his motley band of true and devout followers they start on their way in pursuit of fresh fields.

And we hear of them at Kirkland, Ohio, where this furnace of new

Sanctified room under into full
and powerful blast; but this location
was never intended as the metropolis
of a new empire and in a short time
the sand again sets out; this time they
halt at Independence, Missouri where
the prophet is favored by a divine
revelation that this is the great rally-
ing place and center for the "Latter
Day Saints" as they now style them-
selves; a temple is built; houses are
erected and the new society seems in
a fair way to acquire emence.

Yet in spite of Smith's so called revel-
ation his followers seem to be dissatis-
fied and after numerous removals
accompanied by variations of fortune,
we see them passing what was their
beyond the limits of civilization and
gradually making their place of ind-
ezvous around the head of Great Salt.

lake, at the point where now stands
 Great Salt Lake City. At this place and
 in its vicinity rapidly settling the
 adjoining country, from that time till
 the present; they have lived increasing
 in numbers and wealth; till today
 the question of Mormonism with its
 attendant practices is fast becoming
 one of the greatest questions in issue
 in American politics - a question which
 is now and bids fair for some time
 in the future to receive the serious
 attention of the greatest American
 Statesmen.

Up to the 12th day of July 1843
 the community of Mormons have
 prospered with exceedingly great rapidity
 at this time they appear in the height
 of prosperity, with the highest prospects
 for the future welfare of this creed,
 founded though it was in ignorance

and fanaticism. But as a sect they have reached the highest point of the ladder of progress, which they can hope to attain. But why could not this unprecedented progress still go on? The answer to this question is easily found in the fact that the Mormon church from this time forward, reared into itself the seeds of its own destruction and sure to bring it sooner or later into deadly collision with the law of the land.

The Mormon prophet, doubtless in order to legalize his own hypocrisy, crime and licentiousness, invokes the aid of the celestial powers, which responded by granting or rather enforcing upon the Saints the practice of polygamy.

It is with this problem of the legality of plural marriages that our con-

additional lawyers and our lawmakers
 must ultimately deal. The prophet was
 well aware of the magnitude of the step
 which he was about to take, so that
 instead of revealing to the people at
 once, what he claimed to possess through
 a revelation from the Almighty, days
 and weeks were spent in going through
 the most ludicrous and absurd formal-
 ities, well adapted to work the weak
 mind of the superstitious Mormon sub-
 jects to the highest state of credulity. at
 last the day arrives and surrounded by
 the most notable members of the church
 the prophet after great hesitation, announces
 that it is the will of Heaven that hence-
 forth polygamy shall be practiced by
 the Saints. a doctrine promulgated
 with such powerful sanctions and
 imposing ceremonies could not but
 have the desired effect on the ignorant

and Revolutionary class to whom it was revealed.

Although received by the better classes of the community with regret, still, being regarded as the embodiment of the divine will it soon became thoroughly impregnated into their faith - until now the terms polygamy and Monogamy are understood as almost synonymous.

But not however by future generations of Statesmen is this great question of such vital importance to be agitated; to men of our own time belong the credit at least of turning the attention of the Christian world upon this curse - this thorn in the political side of our boasted land of progressive civilization. That attention must never be removed till this grand republic is a thing of the past; wiped out of existence, overrun by the hordes of

Monument, or this horrid, barbaric, less than an apology for a religion is forever annihilated and swept from the face of the earth. Whether this end can be reached by peace or by bloodshed it remains yet to be seen; but come as it will its accomplishment is but a question of time for the American people are slowly but surely reaching a point of discrimination between liberty enjoyed in its pure and untrammelled form, from that cry of liberty which is used as a shield-as an excuse-to cover up crime and outrages. From which point Utah with its inhabitants; ranked as they are in their social life to a level with the brute creation, are viewed as if beneath the splendor of a noon day sun and with a feeling akin to honor and repulsiveness.

Harmonious efforts have been made to suppress polygamy by legislation but; so far, in the main, they have all proven unavailing: The most promising of these efforts, however, was the bill known as the Edmunds Bill, introduced into the United States senate by Senator Edmunds at the beginning of the session of 1882. Up to the time of the introducing of this bill, all other legislative attempts or enactments, regarding Mormonism had been aimed directly at the system itself but this bill deals only with polygamy, seeking thereby to extinguish, this practice most obnoxious to the political and moral instincts of the American nation; and but for which practice Mormonism with all its other features would beyond a doubt be allowed to prosper in peace and perhaps even fostered by

the government which it now defies
 Senator Edmunds Bill provides as
 follows:

"Sec. 1 That section 5,352 of the Revised
 Statutes of the United States, be and the
 same is hereby amended so as to read
 as follows namely:

Every person who has a husband or
 wife living who, in a territory or other
 place over which the United States have
 exclusive jurisdiction, hereafter marries
 another, whether married or single, and
 any man who after simultaneously or
 on the same day, marries more than one
 woman in a territory or other place
 over which the United States have
 exclusive jurisdiction, is guilty of
 polygamy and shall be punished
 by a fine of not more than \$500
 and by imprisonment for a term of
 not more than five years; but this

Section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years and is not known to such person to be living, and is believed by such person to be dead, nor to any person by reason of any former marriage which shall have been dissolved by any valid decree of a competent court, nor to any person by reason of any former marriage which shall have been pronounced void by a valid decree of a competent court on the ground of nullity of the marriage contract.

Sec. II That the foregoing provisions shall not affect the prosecution or punishment of any offence already committed against the Section amended by the first Section of this act.

Sec. III That if any male person in a

territory or other place over which the United States have exclusive jurisdiction hereafter cohabits with more than one woman, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished, by a fine of not more than three hundred dollars or by imprisonment for not more than six months or by both such punishments in the discretion of the court.

Sec. IV That counts for any or all of the offences named in sections I and III of this act may be joined in the same information or indictment.

Sec. V That in any prosecution for bigamy, polygamy or unlawful cohabitation, under any statute of the United States, it shall be a sufficient cause of challenge to any person drawn or summoned as a jurymen or as a foreman, first; that he is or has been

living in the practice of polygamy,
 bigamy or unlawful cohabitation with
 more than one woman, or that he is or
 has been guilty of an offence punishable
 by either of the foregoing sections or by
 section 5352 of the Revised Statutes of the
 United States or the act of July 1, 1862
 entitled "An act to prevent and punish
 the practice of polygamy in the territories
 of the United States, and other places and
 disapproving and annulling certain acts
 of the legislative assembly of the territory
 of Utah;" or, second, that he believes it
 right for a man to have more than one
 living and undivorced wife at the
 same time, or to live in the practice
 of cohabiting with more than one
 woman, and any person appearing or
 offered as a juror or witness and
 challenged on either of the foregoing
 grounds may be questioned on his oath

as to the existence of any such cause of challenge, and other evidence may be introduced bearing upon the question, raised by such challenge, and this question shall be tried by the court.

But as to the first ground of the challenge before mentioned the person challenged shall be bound to answer if he shall say upon his oath that he declines on the ground that his answer may tend to criminate himself, and if he shall answer to said first ground his answer shall not be given in evidence in any criminal prosecution against him for any offense named in sections I or III of this act; but if he declines to answer on any ground he shall be rejected as incompetent:

Sec VI That the President is hereby authorized to grant amnesty to such

classes of offenders guilty before the passage of this act of bigamy, polygamy, or unlawful cohabitation before the passage of this act; on such conditions and under such limitations as he shall think proper; but no such amnesty shall have effect unless the conditions thereof shall have been complied with:

Sec. VII That the issue of bigamous or polygamous marriages, known as Mormon marriages, in cases in which such marriages have been solemnized according to the ceremonies of the Mormon sect; in any territory of the United States, and such issue shall have been born before the 1st day of January A.D. 1883, are hereby legitimated.

Sec. VIII That no polygamist; bigamist; or any person cohabiting with more than one woman, and no woman cohabiting

with any of the persons described as
 aforesaid in this section, in any
 territory or other place over which the
 United States have exclusive jurisdiction,
 shall be entitled to vote at any election
 held in any such territory or other
 place, or be eligible for election or
 appointment to or be entitled to
 hold any office or place of public
 trust, honor or emolument, in, under,
 or for such territory or place, or
 under the United States.

Sec IX That all the registration and
 election offices of every description in
 the territory of Utah are hereby declared
 vacant; and each and every duty
 relating to the registration of voters,
 the conduct of elections, the receiving
 or rejection of votes, and the canvass-
 ing and returning of the same, and
 the issuing of certificates or other

Evidence of election in said territory, shall, under other provisions be made by the Legislative Assembly of said territory as is hereinafter by this section provided, be performed under the existing laws of the United States and of said territory and by proper persons, who shall be appointed to execute such offices and perform such duties by a board of five persons, to be appointed by the President; by and with the advice and consent of the Senate, and not more than three of whom shall be members of one political party, and a majority of whom shall constitute a quorum.

The members of said board so appointed by the President shall each receive a salary at the rate of \$3000 per annum, and shall continue in office until the Legislative Assembly of

Said territory shall make provision for filling said offices as herein authorized. The Secretary of the territory shall be the Secretary of said board, and keep a journal of its proceedings, and attest the action of said board under this section. The canvass and return of all the votes at elections in said territory for the members of the Legislative Assembly thereof shall also be returned to said board, which shall canvass all such returns and issue certificates of election to those persons who, being eligible for such election shall appear to have been lawfully elected which certificate shall be the only evidence of the right of such persons to sit in such assembly: provided, That said board of five persons shall not exclude any person otherwise eligible

To vote from the polls on account of any opinion such person may entertain on the subject of bigamy or polygamy, nor shall they refuse to count any such vote on account of the opinion of the person casting it on the subject of bigamy or polygamy; but each house of such assembly, after its organization, shall have power to decide upon the election and qualifications of its members. And at or after the first meeting of said Legislative Assembly whose members shall have been elected and returned according to the provisions of this act, said Legislative Assembly may make such laws, conformable to the organic act of said territory and not inconsistent with other laws of the United States as it shall

deem proper concerning the filling of the offices in said territory declared vacant by this act."

This bill upon being introduced caused one of the most spirited discussions of the time. Canon the delegate from Utah, a attorney, fought the bill unceasingly, from the beginning till the final vote was taken; and notwithstanding some success for several of the democratic members of the Senate adopted his views and strongly urged that the bill be rejected.

Senator Vest of Missouri in a choic and eloquent speech said:

"Never since the darkest days of the rule of the Tories and Sharks has any measure been advocated which came so near a bill of attainder as this. It is monstrous to contend that the people of the United States were at the mercy

of Congress without any appeal. If this bill passes it will establish a precedent which will come home to plague us at all time to come. The pressure to day against polygamy may exist to-morrow against any church institution or class in this broad land and when the cresting waves of prejudice and passion mounted high they would be told that the Congress of the United States had trampled upon the Constitution:

In conclusion he said: "I am prepared for the abuse and calumny that will follow any man who dares to criticize any bill against polygamy and yet if my official life had to terminate to-morrow I would not give my vote for the unconstitutional principles contained in this bill"

Following this speech Mr. Edmunds closed the debate in a short but

Carefully selected discussion, urging the necessity of disposing of the bill at once. The Democrats asked for a delay for further debate but the motion was lost and the bill passed March 14, 1882 by a vote of 193 to 43, the negative votes all being Democratic.

Why these repeated efforts of our law makers to suppress Mormonism by legislation have failed as often as made, has proven an unanswerable query to most of the American people. Many look upon the government as exhibiting signs of cowardice, and upon their representatives with contempt and blame for not moving at once and crushing by military force, if need be, this horrible institution. Second, only, in its evil effect on our national morals to slavery which was allowed to exist.

and continue till at last it could only be destroyed by a bloody war.

But such people well meaning though they may be, forget that there lies at the bottom of the foundation of our government; that which guides and directs, yes! that which is even necessary to permit the doings of our national legislators and the acts of our government - the American Constitution. But this constitution which prohibits any extensive encroachment upon any established institution can hardly be offered as a reason why the laws passed in regard to Mormonism and polygamy have not been enforced, for it cannot be denied that laws which have been passed by Congress which if enforced would cause a speedy annihilation of both of these curses, have not been put into active

operation in Utah. To a proper understanding of why this is so quite a considerable explanation will be necessary as regards the founding and working of the system and of this none better can be found than that given by John R. McBride in an article written by him for the *International Review* of 1882;

Mr. McBride says: "The first care of the Mormons on arriving in Utah was to establish a free and independent state called the 'State of Deseret.' It included in its nominal limits, not only all of Utah as it now stands but one half of California, all of Nevada part of Colorado and a large portion of four other territories now organized Brigham Young was elected governor and its departments legislative and judicial were fully organized and

put into operation. Its legislative
 acts were styled ordinances and when
 Congress disregarding the state organ-
 ization instituted a territorial gov-
 ernment for Utah the legislative body
 chosen by the Mormons adopted the
 ordinances of the "State of Deseret." Many
 of these are yet on the statute books
 of Utah. They show conclusively the
 domination of the ecclesiastical idea
 and how utterly insignificant in
 comparison was the power of the civil
 authority. They incorporated the
 Mormon church into a body politic
 and corporate and by the third
 section of the act gave it supreme
 authority over its members in every-
 thing spiritual and assigned as a
 reason for so doing that it was
 because the powers conferred were
 in support of morality and virtue

and were founded on the revelations of the Lord. Under this power to make laws and punish and forgive offences, to hear and determine between brethren the civil law was superseded. The decrees of the courts of this church, certified under seal, have been examined by the writer, and he found them exercising a jurisdiction without limit - except that of appeal to the President of the church. That the assassinations of apostles, the massacre of the Morisites at Moris Fort, and the Arkansas emigrants at Meadow Mountain were all in pursuance of church decrees, more or less formal, no one acquainted with the system doubts. This act of incorporation was passed February 8th 1851 and is found in the latest compilation of Utah statutes. It is proper also to observe that for many years after the erection of the

territorial government by Congress the "State of Deseret" organization was maintained by the Mormons and collusion was only prevented because Brigham Young was governor of both and found it unnecessary for his purpose to antagonize either. His Church organization made both a shadow, while that was the substance of all authority. One of the earliest of their legislative acts was to organize a Surveyors General's Department, and title to the land was declared to be in the person who held a certificate from that office. Having instituted their own system of government and taken possession of the land, and assumed to distribute that in a system of their own, the next step was to vest certain leading men with control of the timbers and water of the country. By a series of acts

granting lands, timbers and waters to individuals, the twelve apostles became the practical proprietors of the better and more desirable portion of the country. By an ordinance dated Oct. 4. 1851, there was granted to Brigham Young the "sole control of city Creek and canon for the sum of five hundred dollars. By an ordinance dated January 9. 1850 the "waters of north mill Creek and the waters of the canon next north" were granted to Heber C. Kimball. On the same day was granted to Geo. A. Smith the "sole control of the canons and timber of the east side of the West mountains." On the 14th of September 1850 an act was passed authorizing a general conference of the Church of Latter Day Saints to elect thirteen men to become a corporation to be called the emigration company;

and to this company, elected exclusively by the church, was secured and appropriated the two islands in Salt Lake known as Antelope and Sausberry Islands, to be under the exclusive control of President Brigham Young. These examples are given to show that the claims of the United States to the lands of Utah met with no recognition by these people. They appropriated them not only in a way to make the people slaves, but indicated their claim of sovereignty as superior to any. In 1855 there was granted to the University of the State of Deseret a tract of land amounting to about five hundred acres, inside the city limits to Salt Lake City, without any reservation to the occupants whatever; and every where was the authority of the United States over the country, its soil

and its people utterly ignored.

Not satisfied with making the grants referred to and many others of a similar nature, the Legislative Assembly entered upon a system of municipal corporations, by which the fertile lands of the Territory were withdrawn from the operation of the pre-emptive laws of Congress; and thus while they occupied these without title, non-Mormons were unable to make settlement on them, and they were thus engrossed to Mormon use. From a report made by the General Commissioner of the Land Office to the United States Senate it appears that the municipal corporations covered over 400 000 acres of the public lands and over 600 square miles of territory. These lands are not subject to either the Homestead or Pre-emptive laws of Congress and thus the non-Mormon was prevented from attempting except in rare

to secure any lands in Utah. The spirit which prompted this course is well illustrated by an instance which was the subject of an investigation in the Land Department; and the proofs are found in the document just referred to. Geo. A. Cannon the late Mormon delegate in Congress was called to exercise his duties as an apostle at the city of Grantville. In a discourse on Sunday the 20th day of July 1875 Mr. Cannon said: "God has given us (meaning the Mormon people) this land and if any outsider shall come in to take land which we claim, a piece at a time by no means all they are entitled to, and that will last them to all eternity."

This remark or threat with which Mr. McBride closes his article, is only one of many by means of which the Mormons hold complete control of all

the land in Utah, which should be
 disposed of by the government; But
 what is to be done? Every member
 of the Utah legislature is a Mormon
 as well as all the prosecuting officers,
 who are bound to the church by an oath;
 which they are taught from infancy,
 to regard as superior, to all others which
 they may subsequently take. Even if
 the officers within the precincts of
 Mormonism should prove loyal to
 the government; and bring culprits
 who resist the enforcement of the laws
 to a speedy trial, our liberal ways of
 regarding the rights and justice due to
 society, demand that every person accused
 of a crime should first be indicted by
 a grand jury and then tried by a jury
 of his peers. What a farce this would
 be! the trial of a Mormon for opposi-
 tion to laws against his church before

a jury of Mormons. As well leave the question to the criminal, himself to say whether he has been guilty of a crime or not. The United States Constitution expressly declares that "Congress shall not make any laws establishing any religion or prohibiting the exercise thereof", and on account of this clause more than any other, the Mormons declare themselves to be much attached to the Constitution, which they claim, as is their custom was given by divine revelation. This Constitution also declares that "freedom of speech and of the press shall not be abridged" but here the Mormon ardor cools and every person in Utah is in full enjoyment of these valuable restrictions, only so far as he thinks speaks and writes in accordance with the theories of Mormonism and in support

of its doctrines. The question which most troubles our statesmen, however, is whether this clause in the Constitution prohibiting the establishing of any religion or interference with the free exercise thereof, necessitates that this Christian country should stand on idle spectator and see the last vestige of morality of the home and the sanctity of Christian marriage, swept away hidden under the cloak of religion and claiming to be under protection of this clause of our constitution. Public opinion must in this case become the interpreter of this document. Prior to the rebellion, slavery as well as polygamy existed in Utah both being enforced upon the Saints as they claim by divine revelation. Public sentiment and the sword settled the question of slavery forever, but the question of

polygamy still remains undecided.
 Shall we as a nation stand idly by
 and see this heathen institution, our
 outrage upon our civilization progress
 till its dimensions become so gigantic
 that the sword must again be appealed
 to? ~~Or~~ will our statesmen strike now
 while it is comparatively in its
 infancy and crush it at a single
 blow? For years a delegate from Utah,
 the husband of several wives has sat
 in the Capitol at Washington and
 taken part in the discussions of
 our National Assembly, while the man
 outside of Utah and Mormonism
 who dares to risk a plural marriage
 soon finds himself lingering in a
 felon's cell. If polygamy, forbidden
 by every sense of morality known to
 the advanced civilization of the latter
 part of the 19th century, can be

cloaked under the plea of religion, why
 not as well include murder and treason,
 if only a band of outlaws declare
 it to be their religious duty as taught
 them by divine revelation to murder
 their fellow men and conspire against
 the government. In an analogous
 case would be presented, if all the state
 or territory of fies were held by members
 of this band who refused to punish
 their fellows for their crimes. Would
 the general government act in such
 a case as this? Undoubtedly it
 would. Then there is no excuse why
 this abominable practice of polygamy
 should continue, destroying the purity
 of the home and stamping the brows of
 innocent children with the stain of
 bastardy. If the constitution prevents
 any direct interference with polygamy
 as a feature of the Mormon religion,

there are numerous other ways left by which it may eventually be suppressed. Let the whole patronage of the government offices be taken away from the "Sands" and at least one means of income, which aids to support the expensive harems, will be removed and the bloated, bigoted Mormon office holder may in time find that one wife is an expensive luxury; then let a strong military post be established by the government in the immediate vicinity of Salt Lake City which would serve as a place of refuge for those dissenting Mormons who have become disgusted with their religion. By these means the Mormons would in time become an inferior class, outnumbered by the emigrants, who would be tempted to the fair lands of Utah and such a post should be established for

their protection. In this way even the most scrupulous constitutional student could not be dissatisfied. Then again the territory could be divided among the neighboring states and the Mormon power thus kept down. Polygamy could then easily be crushed by the local state legislatures and trouble thus happily averted.

But; if through some unforeseen reasons, all these plans fail and Mormonism and Polygamy still continue to exist and prosper, then let the too scrupulous statesmen who fear that the constitution may be trampled upon, if they are suppressed, stand aside to make room for the more progressive, if not so profound legislators, who will see that the laws are enforced in Utah as well as in other places, it must be at the point of

the bayonet. In this way slavery was crushed and as a last resort in this way let mormonism die. Let the strong arm of the nation be suspended over Utah, and if it must be let to fall, let it do so with a telling force, - its aim the heart of this accursed system, and its result the final extermination of the last vestige of mormonism.

Regarding this act from a political standpoint; this course it is crushed the better, for while the Mormons remain the dominant power, just so long will the wheels of progress be blocked and Utah remain a territory.

In June 1887, a call for a constitutional convention was made by the Mormon press. In this convention, non-Mormons absolutely refused to participate although invited to do so by the Peoples Party; as the mormon church in political harness

is called. In the replies received from the different political parties to this invitation, on the part of the Mormons to elect delegates, their request is decidedly and emphatically refused in no very ambiguous terms. The Edmunds Bill of 1882, followed by the Edmunds-Tucker Bill of 1887, have at least brought the Mormons to a recognition of the fact that at last the eyes of tardy justice are fixed upon them, that their way is fast being obstructed, and any further progress, in defiance of this law, will almost inevitably bring them into contact with a power whose force they hardly desire to provoke into active operation. As a means of escape from this predicament, they resort to diplomatic means and under a claim of good faith, they call a constitutional convention, without any enabling act of Congress and proceed to

make and adopt a constitution which at least shows some statesmanship on the part of its originators.

Section 12 of article 15 of his proposed constitution reads as follows:

"Bigamy and polygamy being considered incompatible with a republican form of government; each of them is hereby forbidden and declared a misdemeanor.

any person who shall violate this section shall, on conviction thereof be punished by a fine of not more than \$1000 and be imprisoned for a term of not less than six months, nor more than three years in the discretion of the court. This section shall be construed as operative without the aid of legislation and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense; nor shall the power of pardon be extended

thereto until such pardon shall be approved by the ^{President of the} United States."

Will not the convention know that before Congress would admit Utah as a state, her constitution must expressly prohibit polygamy. Desiring statehood such a clause is provided and at first glance it would seem sufficient to successfully abolish the practice; but a closer scrutiny shows at once the fallacy of the provision. The maximum fine upon conviction is fixed at \$1000 but no mention is made of a minimum leaving it entirely to the discretion of the court whether such fine shall be \$1 or \$1000. Tried before a Mormon judge who may perhaps himself be addicted to this crime, a culprit would have but slight dread of conviction.

"This section shall be construed to be operative without the aid of legislation"

in other words the Legislature of the would be State of Utah is prohibited from adopting any means for the enforcement of this law. Adopting a constitution containing a provision prohibiting polygamy with its parts so artfully arranged, that it in fact amounts to nothing whatever has very naturally led the non-mormons, throughout the territory to regard with suspicion this application for statehood. To them it appears but a last-desperate move to entangle themselves from the network which the law is weaving around them, and hoping at one bold stroke to obtain complete control and possession of all subjects of dispute which may arise in the future.

With reason may the non-mormons fight against the admission of Utah under ~~any~~ circumstances for plainly

they recognize the fact; that if it once be admitted, without a strictly prohibitory constitution, and the whole territory removed from the supervision of the general government; Mormonism would soon "run riot" and the rights of all dissenters, trampled under the feet of one who would be to Utah supreme sovereign - the President of the Mormon Church.

When an appeal from a conviction for polygamy was allowed to be taken to the United States court; it was with a tacit understanding between the authorities and the Mormons that the decision should be final; but when this court decided, that the acts to abolish the practice of polygamy are constitutional, the Mormons still hold out and declare that they "will not obey laws pushed through Congress for the express

purpose of preventing them from obeying a revelation from God which they have followed in faith and practiced for many years; nor will they violate those sacred and eternal covenants which they have entered into for time and eternity."

